

**Notice of Allowability**

Application No.

10/791,518

Examiner

ELIZABETH H. ROSEN

Applicant(s)

BRADLEY ET AL.

Art Unit

3684

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment and response filed on 21 January 2010.
2. ☒ The allowed claim(s) is/are 46,47,50-52,63,84,88 and 89.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application                                 |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|  | 9. <input type="checkbox"/> Other _____.  |

## DETAILED ACTION

### *Status of Claims*

1. This action is in reply to the Amendment and Response filed on January 21, 2010.
2. Claims 46, 47, 50-52, 63, 84, 88, and 89 are currently pending and have been allowed.

### *Examiner's Amendment*

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
4. Authorization for this examiner's amendment was given in a telephone interview with John Goodhue on April 6, 2010.
5. This list of claims replaces the prior version dated January 21, 2010. Listing of Claims:

Claims 1-45 (Canceled).

Claim 46 (Currently amended): A method for verifying compliance with a finance agreement between a first party and a second party, the finance agreement associated with an asset ~~wherein the first party provides asset financing and the second party is permitted to sell the asset associated with the finance agreement~~, the method comprising:

affixing a self-destructing identification tag to ~~an~~ the asset associated with ~~a~~ the finance agreement, ~~wherein the first party provides asset financing and the second party is permitted to sell the asset associated with the finance agreement~~;

notifying the second party to perform a self-audit of the asset, ~~wherein~~ the notifying is performed by fax, e-mail, instant message, phone, or pager;

the second party reading said self-destructing identification tag using a machine configured to read encrypted data from said self-destructing identification tag;

generating audit information, the audit information being at least partially based on the encrypted data;

the second party sending audit information based on the encrypted data to the first party, ~~wherein~~ the sending is performed by voice, fax, e-mail, or instant message;

~~evaluating~~ analyzing the audit information to determine ~~if~~ whether the second party is complying or not complying with the finance agreement based on the audit information; and

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wherein the step of ~~evaluating~~ analyzing the audit information ~~being~~ is performed by a ~~computer~~ server programmed to ~~evaluate~~ analyze the audit information and determine if whether the second party is complying or not complying with the finance agreement based on the audit information.

Claim 47 (Currently Amended): The method of claim 46 wherein the asset associated with the finance agreement is selected from ~~the~~ a set consisting of a car, a truck, a recreational vehicle, a boat, a motorcycle, construction equipment, farm equipment, manufacturing equipment, containerized freight, art, an antique, and a collectible.

Claims 48-49 (Canceled).

Claim 50 (Currently Amended): The method of claim 46 wherein the ~~at least one~~ self-destructing identification tag includes a radio frequency identification tag.

Claim 51 (Currently Amended): The method of claim 46 wherein the ~~at least one~~ self-destructing identification tag includes a bar code.

Claim 52 (Previously presented): The method of claim 46 wherein the audit information comprises a hash.

Claims 53-62 (Canceled).

Claim 63 (Currently Amended): The method of claim 46 wherein the ~~at least one~~ self-destructing identification tag includes a bar code tag.

Claims 64-83 (Canceled).

Claim 84 (Currently Amended): The method of claim 46 wherein the machine ~~used for the~~ electronic reading that is configured to read encrypted data from said self-destructing identification tag is integrated in a cell phone.

Claims 85-87 (Canceled).

Claim 88 (Currently Amended): The method of claim 46 wherein the encrypted data ~~associated with the self-audit~~ includes an audit code.

Claim 89 (Currently Amended): The method of claim 46 wherein the encrypted data associated with the asset includes a geographic position associated with the asset.

Claims 90-91 (Canceled).

### ***Allowable Subject Matter***

6. Claims 46, 47, 50-52, 63, 84, 88, and 89 are pending and have been allowed. The following is a statement of reasons for the indication of allowable subject matter (see prosecution history also):

7. One of the closest prior art references of record is **Carmichael**, 1992. Carmichael discusses floorplanning and discloses that a floorplan finance company audits a dealer's floor in order to determine which merchandise has been sold. Carmichael does not disclose that the dealer performs a self-audit by reading a self-destructing tag and sending the audit information to the finance company for evaluation.

8. Another of the closest prior art references of record is **Mercer** et al., U.S. Patent Application Publication Number 2004/0088228 A1. Mercer discloses an RFID tag that is attached to vehicles for tracking purposes.

9. Another of the closest prior art references of record is **Capazario** et al., U.S. Patent Application Publication Number 2003/0154141 A1. Capazario discloses that stored that have scored high in audit rankings are allowed to self-audit their own management system.

10. Another of the closest prior art references of record is **Rudolph** et al., U.S. Patent Application Publication Number 2002/0005774 A1. Rudolph discloses RFID tags that include encrypted data.

11. Claims 46, 47, 50-52, 63, 84, 88, and 89 are allowed because these prior art references in addition to the other cited references, individually or in any combination, failed to teach, render obvious, or fairly suggest to one of ordinary skill in the art at the time of the invention the feature of the independent claims of requiring the seller to perform a self-audit of its asset by reading a self-destructing tag that is affixed to the asset and using the audit information to determine whether the seller is complying with a finance agreement. The features of the claims that are not disclosed in Carmichael cannot be combined with Carmichael in a manner that would have been obvious to a person having ordinary skill in the art at the time of the invention.

12. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***References Cited by Examiner***

- **Carmichael**, Richard S. "Floorplanning: Industry in Transition," The Secured Lender, (Nov/Dec 1992), Vol. 48, Iss. 6, p. 52.
- "AOW to Track Goods in Transit: Introduces Smart Card Services," Businessline, (Nov. 8, 2002), p. 1.
- "S&P Assign DaimlerChrysler Master Owner Trust 2002-A Preliminary Rating," PR Newswire, (Jun. 10, 2002), p. 1.
- **Mercer** et al., U.S. Patent Application Publication Number 2004/0088228 A1.
- **Capazario** et al., U.S. Patent Application Publication Number 2003/0154141 A1.
- **Rudolph** et al., U.S. Patent Application Publication Number 2002/0005774 A1.
- **Hull** et al., U.S. Patent Application Publication Number 2004/0041707 A1.
- **Adams** et al., U.S. Patent Application Publication Number 2003/0031819 A1.
- **Tallman** et al., U.S. Patent Number 5,708,417.
- **Katagishi** et al., U.S. Patent Application Publication Number 2003/0120745 A1.
- **Carter**, U.S. Patent Number 5,563,579.
- **Highbloom**, U.S. Patent Number 5,323,315.
- **Forbes**, U.S. Patent Number 6,025,774.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth Rosen whose telephone number is 571-270-1850. The examiner can normally be reached on Monday - Friday, 9:30 am - 6:00 pm, ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached at 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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